

EXHIBIT B

Joseph L. Grant

May 31, 2019

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RYSTA LEONA SUSMAN, BOTH
INDIVIDUALLY AND AS LEGAL
GUARDIAN OFSHANE ALLEN
LOVELAND; AND JACOB SUMMERS,

Plaintiff,

vs.

CASE NO. 8:18CV127

THE GOODYEAR TIRE & RUBBER
COMPANY,

Defendant.

DEPOSITION OF: JOSEPH L. GRANT

DATE: May 31, 2019

TIME: 9:00 a.m.

LOCATION: A. William Roberts Jr. & Associates
6135 Park South Drive
Charlotte, NC

TAKEN BY: Counsel for the Plaintiff

REPORTED BY: SOLANGE RUIZ-URIBE, Court Reporter

A. WILLIAM ROBERTS, JR., & ASSOCIATES
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1 Mr. Grant?

2 A. The DOT number is MD0RNJHV244.

3 Q. Okay. And it was manufactured in what
4 year, sir?

5 A. It was manufactured in 1994.

6 Q. Okay. Do you know the date of the subject
7 accident?

8 A. I do in my report, it's roughly 21 years
9 later.

10 Q. Okay. So at the --

11 A. It's May 1st, 2015.

12 Q. Okay. So 21 weeks is -- or 24 weeks --

13 A. Twenty-four, yeah.

14 Q. -- is about what, sometime in May?

15 A. Fifty-two weeks in a year so we're --
16 yeah, we're getting close to the middle of the year,
17 but a little shy.

18 Q. Okay.

19 A. So May, right.

20 Q. So we're right at, the tire was right at
21 21 years old?

22 A. Yeah, roughly 21 years old is the way I
23 would phrase it.

24 Q. Let me ask you this: Do you have a
25 problem, just by age alone, with somebody having a

1 21-year-old tire on their vehicle?

2 A. I do, yeah. I think that's kind of way
3 beyond what's realistic. But having said that, it
4 really depends upon how well maintained and how well
5 taken care of the tire is.

6 Q. Just by age alone, I'm not talking about
7 the maintenance issue or impact or anything that
8 happened to the tire, just by age alone is there a
9 problem with a 21-year-old tire if it's in perfect
10 condition?

11 A. You can't -- well, if it's in perfect
12 condition, no. If it's been properly maintained,
13 properly taken care of, realistically there isn't
14 any real serious issue with it.

15 Q. All right. So the mere fact that this
16 tire was 21 years old, and I'm not talking about any
17 of the other issues you have in your report, you
18 don't fault somebody for having a 21-year-old tire
19 in their vehicle?

20 A. Well, I do if they don't know what the
21 history is, what the maintenance is, really know
22 what -- you know, how well that tire's been taken
23 care of, and then I definitely do. So we're talking
24 theoretical versus realistic.

25 Realistically, yeah, you wouldn't

1 want to see a 21-year tire on a vehicle unless
2 someone has an extremely good understanding and
3 knowledge that that thing has been, like you quoted,
4 perfectly maintained, perfectly taken care of.

5 Q. But let's assume there was a tire that's
6 perfectly maintained, perfectly taken care of, you
7 would have no problem with that?

8 A. It's getting -- well, first of all, it's
9 getting out there into a really unusual situation.
10 There are really not that many tires out there. But
11 having said that, yeah, tires like everything else,
12 everything ages, everything changes over time, but
13 tires age very gracefully and very slowly as long as
14 they're properly maintained and properly taken care
15 of.

16 Q. Do you know what type of warnings were
17 placed upon this tire by Goodyear about age? What
18 did it say on the side of the tire, like you need to
19 take these things off at ten years or 20 years or 25
20 years, what did it say about that?

21 A. Goodyear -- on the sidewall of the tire
22 you are saying?

23 Q. Yes.

24 A. Goodyears are similar to all other tire
25 manufacturers. You will not -- there is no age

1 I'm also looking directly in the failure area, you
2 know, is there anything dramatically different or
3 obvious in the failure area that could account for
4 these two areas of separation directly across from
5 each other. And is there anything different in that
6 area that's -- compared to anywhere else around the
7 tire that would be problematic in what was going on.
8 And the answer is, you know, I did not see anything.

9 Q. Did you find any punctures or repairs or
10 anything along those lines in this tire?

11 A. I did not, no.

12 Q. So you claim there was over deflection,
13 either over loading or under inflection, true?

14 A. Or a combination of both.

15 Q. Or a combination of both. If it was under
16 inflation how did the air leak from this tire?
17 Where was the leak?

18 A. It doesn't have to be a puncture, it can
19 be as simple as inflation maintenance, someone not
20 checking the inflation pressure at all. You know,
21 we've got as I said, we all know that we got a tire
22 that's 21-years old and we don't know where it's
23 been in service, and who's been taking care of it,
24 and when's the last period of time that the
25 inflation pressure was ever checked, that's the

1 first thing.

2 The second thing is the inflation
3 pressure in a tire, it's not just a tire, it's a
4 tire wheel assembly. And it's actually a tire wheel
5 valve assembly. We don't know what other wheels
6 that this tire may have been on, what the condition
7 of those wheels may have been, how corroded they may
8 have been.

9 It may have allowed for leakage
10 between the tire and the wheel. We don't know the
11 previous valves that were and what the condition of
12 the valves that this tire has been on. So we're
13 really dealing with -- all I can really offer to you
14 is that, again, in the 21-year history of the tire
15 there has been some over deflection.

16 Q. Well, you also said some over deflection
17 occurred in the last 9,000-miles.

18 A. Well, polished flanges indicate to me that
19 there is a good chance that some of it may have
20 occurred during this last portion of time and I'm
21 not -- there is no way, and I've said it before to
22 you, there is no way to really sort that out and as
23 a result I'm not overly critical of the last
24 10,000 miles.

25 I'm just telling you that during its

1 Q. I understand why the subject would, why
2 shouldn't the companion?

3 A. I think the age of the tire and the
4 unknown history of the tire. I would offer to you
5 that if Kerney Tire as it turned out did put these
6 tires on the vehicle.

7 Q. Right.

8 A. Eleven months before or whatever it was, I
9 would say they should have done an inspection of the
10 tires and including even because they are used
11 tires, they should understand and recognize the
12 issue regarding tires that are getting excessively
13 old.

14 Keep in mind, we've had service life
15 recommendations out there, I know you want to say
16 Goodyear doesn't have one but the issue about
17 service life on tires and old tires has been well
18 known and well understood for a couple of decades
19 now. We are -- this is not new information and
20 anyone that has any responsibility for looking at
21 tires should be looking at the age of the tire.

22 It doesn't take a ten-year service
23 life recommendation for you to -- once you look at
24 the DOT and recognize this as a 20-year old plus
25 tire, this set of tires and you have absolutely no

1 history of what these -- where these tires have
2 been, that any reasonable, prudent tire professional
3 even without the ten-year service life
4 recommendation would have said, these are not
5 worthwhile putting or made Dandy Concrete aware of
6 the situation. So I am critical that these four
7 tires were put into service.

8 Q. What would Kerney have solved when they
9 are putting them on, on the inside of the tire? You
10 don't see anything now on the inside of the tire, do
11 you?

12 A. No, no, you don't see anything on the
13 inside. But it's the unknown nature of tires being
14 20 years old, that any tire professional, anybody
15 who is really doing a good job would say this is not
16 a good situation.

17 Q. But doesn't everybody that buys a used
18 car, don't they not know the service history of
19 those tires? They could be five years old, eight
20 years. You don't know the service history of any
21 ties that you buy on a used car, do you?

22 A. You have to look at them. I agree. If
23 you have a set of tires on a used car that you buy
24 that are 20 years old, the light bulb should go off
25 and the person selling the vehicle should be not be

1 selling the vehicle with tires that are that old.

2 Q. What would these tires show from the
3 outside if I looked at them?

4 A. Show the DOT date.

5 Q. But you just told me there's nothing wrong
6 with a 20-year old tire, just in and of itself.
7 Okay, it's 20-years old but Joe Grant said that's
8 not a problem?

9 A. This is unreasonable. I think any average
10 person would say this is unreasonably old, and
11 especially a tire professional would think this is
12 unreasonably old from the standpoint of not knowing
13 what the service --

14 Q. But this age had nothing to do with this
15 separation?

16 A. No, it didn't.

17 Q. Okay. Then so what, so what, I have an
18 old tire on there, it had nothing to do with it. So
19 what, right?

20 A. No, no. I disagree from that standpoint.
21 No, it was an opportunity to get these tires out of
22 service.

23 Q. You are kind of -- and I don't mean this
24 disrespectful, Joe, but you're kind of talking out
25 of both sides of your mouth, you say you should get

1 CERTIFICATE OF REPORTER

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I, Solange Ruiz-Urbe, Notary Public for the State of North Carolina at Large, do hereby certify that the foregoing transcript is a true, accurate, and complete record.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 31st day of May, 2019 at Charlotte, Mecklenburg County, North Carolina.



Solange Ruiz-Urbe
My Commission expires
March 7, 2022